

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: B. TOWNSEND, et al.

Serial No: 10/814,260

Filed: April 1, 2004

Title: PROSTHETIC FOOT WITH TUNABLE PERFORMANCE

Group: 3774

Examiner: Javier G. Blanco
Conf. No.: 6963

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 11, 2009

Sir:

Restriction was required in the outstanding Office Action in the above-identified application between the method of generating kinetic power for propulsive force in a lower extremity prosthesis to which claims 1-11 and 31-46 are directed, Group I, and claims 12-19 and 30 drawn to a prosthetic foot, Group II. It was stated in the Office Action that the inventions are distinct, each from the other for the reasons set forth on pages 2 and 3 of the Office Action. Responsive to this requirement for restriction, Applicants provisionally elect for further prosecution on the merits in the present application the invention of Group I to which claims 1-11 and 31-46 are drawn.

It was further stated in the outstanding Office Action that the application contains claims directed to the following patentably distinct species: species A embodied in claim 31, and species B, embodied in claim 40. It was stated in the Office Action that the species are independent or distinct because claims

to the different species recite the mutually exclusive characteristics of such species. In addition, the species were indicated as not being obvious variants of each other based on the current record. Applicant was required to elect a single species for further prosecution on the merits in the application and to indicate the claims readable on the elected species.

Responsive to the requirement for election of species, Applicants provisionally elect for further prosecution on the merits species B embodied in claim 40. Claims 1-11 and 40-46 are readable on the elected species.

In view of the above election of the invention of Group I and also the election of species B, claims 1-11 and 40-46 are directed to the elected invention and species and an action on the merits thereof is requested. Claims 12-39 are withdrawn subject to Applicants right to file a divisional application to the non-election inventions and species.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 183.39735PA6) and please credit any excess fees to such deposit account.

Respectfully submitted,

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RJS/kmh